



**Texas Commission
on
Private Security**

**SUBJECT
STANDARDS**

Effective Date

10-10-03

Rescind

Rule Number

424.00

424.01 COMPLAINT LIMITATION

The Commission shall not accept a complaint against a licensee or an employee if the complaint is filed more than two years after the alleged violation date, except in matters that relate to conviction for a Class B offense or greater or a material misstatement in an application.

424.02 DATE OF LICENSING, CERTIFICATION OR ACKNOWLEDGEMENT

If an application or written notification is required, the date of licensing, certification, or acknowledgment by the Commission will be either the receipt date or the date the complete application or written notification is accepted for processing, whichever is later.

424.03 CERTIFICATE OF INSTALLATION

- A. For purposes of interpreting the term "exterior structure opening" in Sec 6 (a) (2) (A), Texas Insurance Code, that term shall mean all exterior doors, windows, or other openings into a structure greater than 96 square inches with the smallest dimension exceeding six inches; provided however, that no opening is an "exterior structure opening" if it was designed and installed to be unmovable or inoperable and has not been reconstructed to be movable or operable. A garage door is not an exterior structure opening if all other exterior structure openings from the garage into the structure are contacted.
- B. Any alarm system company may issue a certificate of installation pursuant to 1702.065 Occupations Code.

424.04 STANDARDS OF CONDUCT

- A. Licensees shall carry out fully any contract for services entered into with a client except for reasons deemed to be unlawful.
- B. Licensed companies may use the phrase "Licensed by the Texas Commission on Private Security" on stationary, business cards, and in advertisements, but no licensee shall have a badge, shield or insignia as part of any uniform, identification card or markings on a motor vehicle containing the State Seal of Texas, except those identification and license items that are prepared or issued by the Commission. No licensee shall use the State Seal of Texas to advertise or publicize a commercial undertaking.
- C. No licensee shall have a badge, shield or insignia as part of any uniform, identification card or markings on a motor vehicle containing the Flag of the State of Texas, except those identification and license items that are prepared or issued by the Commission. No licensee shall use the Flag of the State of Texas to advertise or publicize a commercial undertaking.
- D. Licensees will make copies of contracts with clients available to Commission investigators when served with a subpoena signed by the investigator for copies of said contracts if a written contract was utilized.

- E. Commissioned security officers or personal protection officers shall carry only a firearm of the category with which they have been formally trained and of which training documentation is on file with the commission. Firearm categories will be shown on the individual's registration card and will be:
 - 1. SA: any handgun, whether semi-automatic or not,
 - 2. NSA: handguns that are not semi-automatic,
 - 3. STG: any shotgun.
- F. No commissioned security officer or personal protection officer shall carry an inoperative, unsafe, replica or simulated firearm while in the course and scope of their employment.
- G. No commissioned security officer or personal protection officer shall brandish, point, exhibit, or otherwise display a firearm at anytime, except as authorized by law.
- H. The discharge of a firearm while in the performance of their duty by any person registered, or commissioned by a licensee shall be reported to the Austin office of the Commission. Notification of the discharge of a firearm shall be in writing within 24 hours of the incident, and shall be faxed by the licensee, or manager. The fax shall be addressed to the Executive Director of the Commission at (512) 238-5853. The fax shall include:
 - 1. Name of the person discharging the firearm:
 - 2. Name of the employer;
 - 3. Location of the incident;
 - 4. A brief narrative of what happened;
 - 5. Whether death, personal injury or property damaged resulted, and
 - 6. Whether the incident is being or was investigated by a law enforcement agency.
- I. No licensee shall engage in any business activity in violation of Section 38.11 or Section 38.12 of the Texas Penal Code (Barratry and Solicitation of Professional Employment.)
- J. Licensees shall not perform any service regulated by the Commission if a Letter of Summary Suspension or Letter of Summary Denial has been forwarded in accordance with the Act and Commission Rules. After Summary Suspension or Summary Denial, a Letter of Reinstatement must be received by the licensee prior to performing any services regulated by the Commission.
- K. All licensees, if arrested, charged, or indicted for a criminal offense above the level of Class C misdemeanor shall within 72 hours notify their employer, who shall then notify the Commission by fax at 512-238-5853 or in writing at the Austin office of the Commission within 72 hours of notification by licensee including the name of the arresting agency the offense, court, and cause number of the charge or indictment, if any.
- L. All licensees shall report any name changed by marriage, divorce or other reason to the Commission within 30 days of the effective date of change. The notice of the change shall be in writing, and shall include a certified copy of the legal document ordering the name change.

- M. No licensee shall engage in conduct while in the course, scope or performance of their duties that constitutes a Class C misdemeanor or greater offense as provided in the Texas Penal Code, Alcoholic Beverage Code, or Health and Safety Code.
- N. When an employee of a licensee is terminated for any conduct as described in Section 1702.361, the licensee shall notify the Commission of such conduct within 14 days of termination. Such notice shall include but not be limited to:
 - 1. A completed Commission complaint form (form#022);
 - 2. Any and all documents or evidence concerning the alleged offense;
 - 3. Said correspondence shall be mailed to the Commission, to the attention of the Criminal Investigation division.

424.05

STANDARDS OF SERVICE

- A. In accordance with subsection (c) of this Section, a licensee shall inform each client he is entitled to receive a written contract that contains the fee arrangement with necessary information covering services to be rendered.
- B. A written contract for services required to be licensed under the Act shall be furnished to a client within seven days after a request is made for such written contract. The written contract shall contain the fee arrangement, with the necessary information covering services to be rendered.
- C. A written contract for services requiring a license under the Act shall be dated and signed by the owner, manager, or a person authorized by one or either of them to sign written contracts for the licensed company.
- D. Each licensee that has a contract to provide services licensed by the Commission within seven days after entering into a contract for services regulated by the Commission with another licensee shall:
 - 1. Notify the recipient of those services of the name, address, and telephone number, and individual to contact at the company which purchased the contract.
 - 2. Notify the recipient of services at the time the contract is negotiated that another licensed company may provide any, all or part of the services requested by sub-contracting or outsourcing those services. If any of the services are sub-contracted or outsourced to a licensed third party the recipient of services must be notified of the name, address, phone number and license number of the company providing those services.

424.06

CONSUMER INFORMATION

- A. A licensee shall notify consumers or recipients of services of the name, mailing address, and telephone number of the Commission on each written contract for services.
- B. A licensed company must display prominently in the principle place of business and any branch office, a sign containing the name, mailing address, and telephone number of the Commission, and a statement informing consumers or recipients of services that complaints against licensees can be directed to the Commission.
- C. Signs required to be displayed in the place of business of a licensed company shall be obtained from the Commission.

424.07 INFORMATION SHOWN IN ADVERTISEMENTS

- A. Any advertisement by a licensee shall include:
 - 1. The company name and address as it appears in the records of the Commission; and
 - 2. The license number of the licensee as issued by the Commission.

424.08 STANDARDS OF REPORTS

- A. At the time a contract for services requiring a license under the Act is negotiated, each client shall be informed that he or she is entitled to receive a written report concerning services rendered for which a fee has been tendered by a licensed company.
- B. A written report shall be furnished by the licensed company to the client within seven days after a written request is received from the client.

424.09 UNIFORM REQUIRMENTS

- A. Each commissioned security officer shall, at a minimum, display on the outermost garment the name of the company under whom the commissioned security officer is employed, the word "Security" and identification which contains the last name of the security officer.
- B. The name of the company and the word "Security" shall be of a size, style, shape, design, and type which is clearly visible by reasonable person under normal conditions.
- C. Each noncommissioned security officer shall display in the outermost garment in style, shape design and type which is visible by a reasonable person under normal conditions identification which contains:
 - (1) The name or Commission-approved logo of the company under whom the security officer is employed, or
 - (2) The name or the Commission-approved logo of the business entity with whom the employing company had contracted.
 - (3) The last name of the security officer, and
 - (4) The word "Security"
- D. No license shall display a badge, shoulder patch, logo or any other identification which contains the words "Law Enforcement" and/or similar word (s) including, but not limited to: agent, enforcement agent, detective, task force, fugitive recovery agent or any other combination of names which gives the impression that the bearer is in any way connected with the Federal government, State government or any political subdivision of a State government
- E. A reserve Law Enforcement Officer who has made application for or who has been issued a registration as a non-commissioned Security Officer or has been issued a Security Officer commission by the Texas Commission of Private Security under a licensed security services contractor or a Letter of Authority may wear the official uniform of that agency while working private security only when:

- (1) The Chief Administrator of the appointing law enforcement agency has the authority to appoint reserve Peace Officers and a reserve Peace Officer Licensee has been issued by the Texas Commission on Law Enforcement Officer Standards and Education
 - (2) The reserve Law Enforcement Officer has written permission to wear the official uniform of the appointing Law Enforcement agency;
 - (3) The written authorization must be signed and dated by the Chief Administrator of the appointing Law Enforcement agency and shall be maintained for inspection by the Texas Commission on Private Security at the principal place of business or branch office of the licensed Security Service contractor or Letter of Authority;
 - (4) The reserve is wearing the official uniform of the appointing agency that clearly identifies that agency and is not wearing a generic peace officer uniform;
 - (5) The reserve peace officer meets the definition of the Internal Revenue Services as and employee of the licensed Security Service Contractor or Letter of Authority;
 - (6) The Licensed Security Services Contractor or Letter of Authority has not accepted any monies or remuneration to allow the reserve peace officer to work under the license of the Security Services Contractor or Letter of Authority;
 - (7) The reserve Peace Officer has not terminated employment with the appointing agency;
 - (8) The reserve Peace Officer has not been Summary Suspended or Summary Denied or Revoked by the Texas Commission on Private Security.
- F. A reserve law enforcement officer, while working as a noncommissioned security officer or commissioned security officer for a Licensed Security Services Contractor (Guard Company), Private Business Letter of Authority, or Governmental Letter of Authority, shall at all times carry on their person the noncommissioned security officer registration pocket card or security commission pocket card issued by the Texas Commission on Private Security and their official appointing agency's identification; and shall present the same upon request to any individual or law enforcement officer requesting them to identify themselves.
- G. A regular peace officer who maintains full-time employment, and meets the requirements of Section 1702.322 of the Texas Occupations Code, may wear the uniform of the Licensed Security Services Contractor (Guard Company), Private Business Letter of Authority, or Governmental Letter of Authority or the official police officer uniform of their appointing law enforcement agency while working private security in Texas.

424.10

Confidential Information

- A. Information that is contained in reports or records held by a licensee, registrant or commissioned security officer that concerns the location of an alarm system, the name of the occupant of an alarm system location, or the type of alarm system or any information pursuant to business

activities regulated under Chapter 1702, Texas Occupations Code is confidential and shall only be disclosed to the Commission, a law enforcement agency or as otherwise required by state law or court order.

- B. This section does not apply to and does not require or authorize the licensee, registrant or commissioned security officer to give a client notice of:
- (1) a demand or inquiry from a municipal, state or federal government agency authorized by law to conduct an examination of certain records;
 - (2) a record request from a municipal state or federal government agency instrumentally under statutory or administrative authority that provides for, or is accompanied by, a specific mechanism for discovery and protection of a client record;
 - (3) a record request from or report to a governmental agency arising out of the investigation or prosecution of a criminal offense;
 - (4) a record request by a duly appointed receiver of the client;
 - (5) an investigative demand or inquiry from a state legislative investigative committee;
 - (6) an investigative demand or inquiry from the attorney general of this state as authorized by law other than the procedural law governing discovery in civil cases.